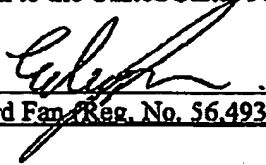


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Certificate of Transmission:

Pursuant to 37 C.F.R. s. 1.8, I certify that the following correspondence is being transmitted via facsimile transmission to the United States Patent Office at telephone number (703) 872-9306 on April 18, 2005.

Signature:

Date: April 18, 2005

Name:

Edward F. Fan (Reg. No. 56,493)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re. Application of: **McBRIDE, Brian E.**
Serial No.: **09/261,197**
Filed: **March 3, 1999**
Title: **CELL STREAM REPLICATING DEVICE**
Examiner: **STEVENS, Roberta A.**
Art Unit: **2665**
Confirmation Number: **7444**
NEW Atty's Docket No.: **T01215-0002 US (123081-339536)**

Commissioner for Patents
United States Patent and Trademark Office
Customer Window, Mail Stop AMENDMENT
Randolph Building, 401 Dulaney Street
Alexandria, Virginia 22314
U.S.A.s

RESPONSE TO OFFICE ACTION

Sir:

This is in response to the Office Action dated December 16, 2004. This response is filed on April 18, 2005 contemporaneously with a petition for an one-month extension to extend the period for timely reply to April 16, 2005. Since April 16, 2005 fell on a Saturday, the deadline for response is deemed extended to Monday, April 18, 2005. If any further extension is deemed

123081-339536
TDO-RED #8247896 v. 3

04/26/2005 TSYEPYOE 00000002 150633 09261157

01 PD-1201 200 00 00
PAGE 6/26 * RCVD AT 4/18/2005 8:20:03 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/2 * DNS:8729306 * CSID:4168680673 * DURATION (mm-ss):06-48

Application No. 09/261,197
Reply to Office Action of December 16, 2004

- 21 -

things, are selected to achieve a relative delay. These claims were also rejected on the basis of figure 4 of Hiltner. However, as noted above, these features are not disclosed or suggested by Hiltner or Pawelski. For the same reasons already discussed, Applicant respectfully submits that claims 25 and 40 are also patentable in view of the prior art.

* * * * *

By way of the present response, this application is believed to be in condition for allowance and such action in due course is earnestly solicited. The Examiner is invited to contact the undersigned by telephone to discuss this case further, if necessary. Should further examination be necessary, in view of an absence of sufficient information regarding Hiltner in the last Office Action as noted above, Applicant requests that a specific identification of the features of the claims in the cited prior art be provided in a non-final action.

Respectfully submitted,



Robert H. Nakano
(Registration No. 46,498)

April 18, 2005

Date

McCarthy Tétrault LLP
Box 48, Toronto Dominion Bank Tower
Suite 4700, 66 Wellington Street West
Toronto, Ontario M5K 1E6 Canada

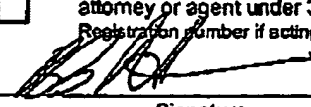
123081-339536
TDO-RED #8247896 v. 3

PTO/SB/22 (12-04)

Approved for use through 7/31/2006. OMB 0831-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|--|--|--|
| PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) | | RECEIVED CENTRAL FAX CENTER APR 18 2005 |
| FY 2005 | | |
| (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).) | | |
| Application Number 09/261,197 | Docket Number (Optional) 123081-339536 | |
| For CELL STREAM REPLICATING DEVICE | | |
| Art Unit 2665 | Examiner STEVENS, R. A. | |
| This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application. The requested extension and fee are as follows (check time period desired and enter the appropriate fee below): | | |
| | <u>Fee</u> | <u>Small Entity Fee</u> |
| <input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1)) | \$120 | \$60 |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2)) | \$450 | \$225 |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3)) | \$1020 | \$510 |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4)) | \$1590 | \$795 |
| <input type="checkbox"/> Five months (37 CFR 1.17(a)(5)) | \$2160 | \$1080 |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>15-0633</u> . I have enclosed a duplicate copy of this sheet. | | |
| WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | |
| I am the <input type="checkbox"/> applicant/inventor <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/86). <input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>46,498</u> <input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR _____ | | |
|  Signature <u>Robert H. Nakano</u> Typed or printed name | | <u>April 18, 2005</u> Date <u>416-601-7852</u> Telephone Number |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | |
| <input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted. | | |

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22312-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PATENT APPLICATION FEE DETERMINATION RECORD

Effective December 8, 2004

09/26/97

CLAIMS AS FILED - PART I

| | (Column 1) | (Column 2) |
|---|--------------|--------------|
| TOTAL CLAIMS | | |
| FOR | NUMBER FILED | NUMBER EXTRA |
| TOTAL CHARGEABLE CLAIMS | minus 20= | * |
| INDEPENDENT CLAIMS | minus 3 = | * |
| MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/> | | |

* If the difference in column 1 is less than zero, enter "0" in column 2

418-05

CLAIMS AS AMENDED - PART II

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT A | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | * 44 | Minus ** 45 | = |
| Independent | * 12 | Minus *** 11 | = 1 |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT B | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | * | Minus ** | = |
| Independent | * | Minus *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

| | (Column 1) | (Column 2) | (Column 3) |
|---|----------------------------------|------------------------------------|---------------|
| AMENDMENT C | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA |
| Total | * | Minus ** | = |
| Independent | * | Minus *** | = |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> | | | |

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

| RATE | FEE |
|-----------|--------|
| BASIC FEE | 150.00 |
| X\$ 25= | |
| X100= | |
| +180= | |
| TOTAL | |

| RATE | FEE |
|-----------|--------|
| BASIC FEE | 300.00 |
| X\$50= | |
| X200= | |
| +360= | |
| TOTAL | |

SMALL ENTITY OR

OTHER THAN SMALL ENTITY

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X\$ 25= | ** |
| X100= | |
| +180= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X\$50= | |
| X200= | 200 |
| +360= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X\$ 25= | |
| X100= | |
| +180= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|------------------|----------------|
| X\$50= | |
| X200= | |
| +360= | |
| TOTAL ADDIT. FEE | |

| RATE | ADDITIONAL FEE |
|---------|----------------|
| X\$ 25= | |
| X100= | |
| +180= | |

| RATE | ADDITIONAL FEE |
|--------|----------------|
| X\$50= | |
| X200= | |
| +360= | |